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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 PIRELLI ARMSTRONG TIRE
10 CORPORATION RETIREE MEDICAL
11 BENEFITS TRUST, Derivatively on Behalf
12 of COSTCO WHOLESALE
13 CORPORATION,

14 Plaintiff,

15 v.

16 JAMES D. SINEGAL, JEFFREY H.
17 BROTMAN, RICHARD A. GALANTI,
18 RICHARD D. DICERCHIO, FRANZ E.
19 LAZARUS, W. CRAIG JELINEK, PAUL G.
20 MOULTON, DAVID S. PETTERSON,
21 JOSEPH P. PORTERA, THOMAS K.
22 WALKER, DENNIS R. ZOOK, BENJAMIN
23 S. CARSON, SR., SUSAN L. DECKER,
24 DANIEL J. EVANS, WILLIAM H. GATES,
25 SR., HAMILTON E. JAMES, RICHARD M.
26 LIBENSON, JOHN W. MEISENBACH,
CHARLES T. MUNGER, and JILL S.
RUCKELSHAUS,

Defendants,

and

COSTCO WHOLESALE CORPORATION,
a Washington corporation,

Nominal Defendant.

C08-1450Z

ORDER

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2 DANIEL BUCKFIRE Derivatively on Behalf
3 of Nominal Defendant, COSTCO
4 WHOLESALE CORPORATION,

5
6 Plaintiff,

7 v.

8 JAMES D. SENEGAL, JEFFREY H.
9 BROTMAN, RICHARD A. GALANTI,
10 RICHARD D. DICERCHIO, DENNIS R.
11 ZOOK, THOMAS K. WALKER, JOSEPH P.
12 PORTERA, PAUL G. MOULTON, FRANZ
13 E. LAZARUS, DAVID S. PETTERSON, W.
14 CRAIG JELINEK, RICHARD OLIN, JOHN
15 W. MEISENBACH, HAMILTON E.
16 JAMES, RICARD M. LIBENSON, JILL S.
17 RUCKELSHAUS, BENJAMIN S. CARSON,
18 SR., CHARLES T. MUNGER, DAVID B.
19 LOGE and EDWARD B. MARON,

20 Defendants.

C09-893Z

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22 THIS MATTER comes before the Court on the parties' stipulation and proposed
23 order, docket no. 39. The Court treats the parties' stipulation as a motion to consolidate the
24 two related actions pursuant to Federal Rule of Civil Procedure 42(a), and GRANTS the
25 motion, as outlined herein.

26 The Court ORDERS that Civil Action No. 2:09-cv-00893-TSZ be CONSOLIDATED
into Civil Action No. 2:08-cv-01450-TSZ for all purposes, including pre-trial proceedings
and trial, before this Court. The parties are directed to file all future pleadings only under
Civil Action No. 2:08-cv-01450-TSZ. Civil Action No. 2:09-cv-00893-TSZ shall be closed.

The Court DECLINES to set up a master docket for the consolidated action and
DECLINES to order that any as-yet unidentified subsequent actions be consolidated into this
action.

Pursuant to the stipulation of the parties, the Court ORDERS that Coughlin Stoia
Geller Rudman & Robbins LLP shall serve as Lead Counsel for Plaintiffs. Lead Counsel

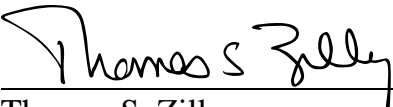
1 shall have authority to speak for all Plaintiffs in the consolidated action with respect to the
2 following matters: (a) convening meetings of counsel; (b) initiation, response, scheduling,
3 briefing and argument of all motions; (c) the scope, order and conduct of all discovery
4 proceedings; (d) the retention of experts; (e) designation of which attorneys may appear at
5 hearings and conferences with the Court; (f) any other pre-trial procedure; (g) the conduct of
6 trial; (h) the timing and substance of any settlement negotiations with Defendants; and (i)
7 other matters concerning the prosecution or resolution of the consolidated action. Lead
8 Counsel shall make all work assignments in such manner as to facilitate the orderly and
9 efficient prosecution of this litigation and to avoid duplicative or unproductive effort. Lead
10 Counsel shall have authority to communicate with Defendants' counsel and the Court on
11 behalf of all Plaintiffs. Defendants' counsel may rely on all agreements made with Lead
12 Counsel, and such agreements shall be binding on the other plaintiffs' counsel and their
13 respective clients. Lead Counsel shall be responsible for coordinating all activities and
14 appearances on behalf of Plaintiffs and for the dissemination of notices and orders of the
15 Court. No motion, request for discovery, or other pre-trial or trial proceedings shall be
16 initiated or filed by any Plaintiffs except through Lead Counsel.

17 Pursuant to the stipulation of the parties, the Court ORDERS that Plaintiffs shall file a
18 consolidated complaint by Friday, September 25, 2009. The consolidated complaint shall be
19 deemed the operative complaint, superceding all complaints filed in either of the actions
20 consolidated hereunder. Defendants shall have up to 45 days after the filing of the
21 consolidated complaint to move, answer or otherwise respond to the consolidated complaint.
22 Plaintiffs shall file their opposition to any motion(s) filed by any Defendant within 30 days
23 after the filing of such motion(s). Defendants shall file any replies to Plaintiffs' opposition
24 within 21 days after Plaintiffs' filing of the opposition. Accordingly, any motion(s)
25 responding to the consolidated complaint filed by any Defendant shall be noted for 51 days
26 after the filing of such motion(s).

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IT IS SO ORDERED.

DATED this 12th day of August, 2009.


Thomas S. Zilly
United States District Judge